

Notice of Allowability**Application No.**

10/541,041

Applicant(s)

STROBEL ET AL.

Examiner

GILBERT Y. LEE

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/4/09.
2. ☒ The allowed claim(s) is/are 11,12,15-18 and 20-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacob Ward on 3/18/09.

The application has been amended as follows:

IN THE CLAIMS:

- 1.-10. (cancelled)
11. (previously presented) The bariatric patient management system according to Claim 18, further comprising a trapeze base frame having a two- point mounting configuration.
12. (original) The bariatric patient management system according to Claim 11, wherein said trapeze base frame includes a pivotally mounted trapeze boom.
13. (cancelled)
14. (cancelled)
15. (previously presented) The bariatric patient management system according to Claim 18, wherein said actuators are at least one of a push actuator and a pull actuator.
16. (previously presented) The bariatric patient management system according to Claim 18, wherein said actuators are electric actuators.

17. (previously presented) The bariatric patient management system according to Claim 18, wherein said actuators are hydraulic actuators.

18. (currently amended) A bariatric patient management system comprising:

a main frame having a first end and a second end;

a backrest section disposed on said main frame adjacent the first end,

said backrest section including at least one backrest panel, a backrest side pull out extension slidably disposed in a side of the backrest section, and a backrest actuator linked to said backrest section to selectively cause an inclination of said backrest panel;

a middle section disposed on said main frame adjacent said backrest section, said middle section including at least one middle panel and a middle side pull out extension slidably disposed in a side of the middle section;

a leg section disposed on said main frame adjacent said middle section, said leg section including at least one leg panel, a leg side pull out extension slidably disposed in a side of the leg section, and a leg actuator linked to said leg section to selectively cause an inclination of said leg panel;

a foot section disposed on said main frame adjacent the leg section and the second end of said main frame, said foot section including at least one foot panel, a foot side pull out extension slidably disposed in a side of the foot section, and a foot actuator linked to said foot section to selectively cause an inclination of said foot panel relative said frame;

ground engaging wheels disposed on said main frame to facilitate a transporting of the bariatric patient management system;

an extensible end pull out extension slidably disposed in one of the first end and the second end of said main frame, said extensible end pull out extension facilitating a lengthening and shortening of the bariatric patient management system;

a side rail adjustably connected to the backrest side pull out extension, said side rail dropped down into a side pull out extension conduit coupled to the side pull out extension, said side rail slidably disposed within the side pull out extension conduit and having a plurality of positions, wherein the side rail does not pivot within the side pull out extension conduit; and

an ingress/egress bar adjustably connected to the foot side pull out extension, said ingress/egress bar dropped down into a foot side pull out extension conduit coupled to the foot side pull out extension, said ingress/egress bar slidably disposed within the foot side pull out extension conduit and having a plurality of positions, wherein said ingress/egress bar pivotally mounted to the foot side pull out extension also pivots within the foot side pull out extension,

wherein the backrest panel, the middle panel, the leg panel, and the foot panel cooperate to form a mattress supporting surface, and said backrest side pull out extension, said middle side pull out extension, said leg side pull out extension, and said foot side pull out extension cooperate to selectively increase a width of the mattress supporting surface.

20. (original) The bariatric patient management system according to Claim 18, further comprising at least one load cell mounted between said wheels and said main frame.
21. (currently amended) The bariatric patient management system according to Claim 11, wherein the trapeze base frame includes a pair of fixed outwardly extending arms, one of the outwardly extending arms received adjacent a first side of the base frame and the other of the outwardly extending arms received adjacent a second side of the base frame, the first side of the base frame horizontally spaced from the second side of the base frame.
22. (previously presented) The bariatric patient management system according to Claim 12, wherein the trapeze base frame includes a plurality of apertures formed therein, a spring loaded locking pin selectively cooperating with one of the plurality of apertures to lock the trapeze boom in a desired position.
23. (previously presented) The bariatric patient management system according to Claim 18, including a motor to cause rotation of at least one of the wheels.
24. (currently amended) The bariatric patient management system according to Claim 20, wherein the main frame includes a hollow member supporting the load cell, wherein the load cell is disposed within the hollow member.
25. (currently amended) A bariatric patient management system comprising:
a main frame having a first end and a second end;
a trapeze base frame having a two-point mounting configuration having a pair of fixed outwardly extending arms disposed on said main frame adjacent the first end,

one of the outwardly extending arms received adjacent a first side of the base frame and the other of the outwardly extending arms received adjacent a second side of the base frame, the first side of the base frame horizontally spaced from the second side of the base frame;

- a backrest section disposed on said main frame adjacent the first end, said backrest section including at least one backrest panel, a backrest side pull out extension slidably disposed in a side of the backrest section, and a backrest actuator linked to said backrest section to selectively cause an inclination of said backrest panel;
- a middle section disposed on said main frame adjacent said backrest section, said middle section including at least one middle panel and a middle side pull out extension slidably disposed in a side of the middle section;
- a leg section disposed on said main frame adjacent said middle section, said leg section including at least one leg panel, a leg side pull out extension slidably disposed in a side of the leg section, and a leg actuator linked to said leg section to selectively cause an inclination of said leg panel;
- a foot section disposed on said main frame adjacent the leg section and the second end of said main frame, said foot section including at least one foot panel, a foot side pull out extension slidably disposed in a side of the foot section, ~~and a foot actuator linked to said foot section to selectively cause an inclination of said foot panel relative said frame;~~

ground engaging wheels disposed on said main frame to facilitate a transporting of the bariatric patient management system;

at least one load cell mounted between one of said wheels and said main frame,

wherein the main frame includes a hollow member and the load cell is disposed within the hollow member;

an extensible end pull out extension slidably disposed in one of the first end and the second end of said main frame, wherein the extensible end pullout extension is disposed within the main frame and selectively telescopes outwardly therefrom, said extensible end pull out extension facilitating a lengthening and shortening of the bariatric patient management system;

a side rail adjustably connected to the backrest side pull out extension, said side rail dropped down into a side pull out extension conduit coupled to the side pull out extension, said side rail slidably disposed within the side pull out extension conduit and having a plurality of positions, wherein the side rail does not pivot within the side pullout extension conduit; and

an ingress/egress bar adjustably connected to the foot side pull out extension, said ingress/egress bar dropped down into a foot side pull out extension conduit coupled to the side pull out extension, said side rail slidably disposed within the side pull out extension conduit and having a plurality of positions, wherein said ingress/egress bar pivotally mounted to the foot side pull out extension also pivots within the foot side pull out extension conduit,

wherein the backrest panel, the middle panel, the leg panel, and the foot panel cooperate to form a mattress supporting surface, and said backrest side pull out extension, said middle side pull out extension, said leg side pull out extension, and said foot side pull out extension cooperate to selectively increase a width of the mattress supporting surface.

26. (new) The bariatric patient management system according to Claim 18, wherein the side pull out extension conduit has a spring loaded locking pin and the side rail has a plurality of apertures, the spring loaded locking pin selectively cooperating with the apertures to lock the side rail in one of the positions.

27. (new) The bariatric patient management system according to Claim 18, wherein the foot pull out extension conduit has a spring loaded locking pin and the ingress/egress bar has a plurality of apertures, the spring loaded locking pin selectively cooperating with the apertures to lock the ingress/egress bar in one of the positions.

2. The following is an examiner's statement of reasons for allowance: The best prior art of record, Swatt (US patent No. 3,644,946) in view of the teachings of Spath (US Patent No. 4,847,930; Adams (US Patent No. 6,357,065); Allen et al. (US Pub. No. 2001/0001163); Brooke et al. (US Patent No. 6,728,985); Bartlett et al. (US Pub. No. 2002/0138905); Johnston et al. (US Patent No. 4,409,695); and Alexander (US Patent

No. 6,173,461) discloses the invention substantially as claimed. However, the modified

Swatt reference fails to teach:

1) a side rail adjustably connected to the backrest side pull out extension, said side rail dropped down into a side pull out extension conduit coupled to the side pull out extension, said side rail slidably disposed within the side pull out extension conduit and having a plurality of positions, wherein the side rail does not pivot within the side pull out extension conduit;

2) an ingress/egress bar adjustably connected to the foot side pull out extension, said ingress/egress bar dropped down into a foot side pull out extension conduit coupled to the foot side pull out extension, said ingress/egress bar slidably disposed within the foot side pull out extension conduit and having a plurality of positions, wherein said ingress/egress bar also pivots within the foot side pull out extension conduit;

3) wherein the trapeze base frame includes a pair of fixed outwardly extending arms, one of the outwardly extending arms received adjacent a first side of the base frame and the other of the outwardly extending arms received adjacent a second side of the base frame, the first side of the base frame horizontally spaced from the second side of the base frame; and

4) wherein the main frame includes a hollow member supporting the load cell, wherein the load cell is disposed within the hollow member and there is no motivation, absent the applicant's own disclosure, to modify the Swatt reference in the manner required by the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GILBERT Y. LEE whose telephone number is (571)272-5894. The examiner can normally be reached on 8:00 - 4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner,
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/G. Y. L./
Examiner, Art Unit 3673